

§ 501.25

other routine documents for the Managing Director, consistent with the programs, policies, and precedents established by the Commission or the Managing Director.

[59 FR 954, Jan. 7, 1994, as amended at 59 FR 67227, Dec. 29, 1994]

§ 501.25 Delegation to and redelegation by the Managing Director.

Except where specifically redelegated in this section, the authorities listed in this section are delegated to the Managing Director.

(a) Authority to adjudicate, with the concurrence of the General Counsel, and authorize payment of, employee claims for not more than \$1,000.00, arising under the Military and Civilian Personnel Property Act of 1964, 31 U.S.C. 3721.

(b) Authority to determine that an exigency of the public business is of such importance that annual leave may not be used by employees to avoid forfeiture before annual leave may be restored under 5 U.S.C. 6304.

(c)(1) Authority under part 514 of this chapter, after consultation with the Bureau of Tariffs, Certification and Licensing, to issue letters notifying applicants for certification of ATFI batch filing capability that their applications have or have not been granted.

(2) The authority under this paragraph is redelegated to the Director, Office of Information Resources Management.

(d)(1) Authority under § 514.21(m)(2) of this chapter, after consultation with the Bureau of Tariffs, Certification and Licensing, to evaluate and approve or disapprove by letter the accounting or charging system the applicant intends to use for charging users and remitting to the Commission indirect (subsequent) access user fees under 46 U.S.C. app. 1107a(d)(1)(B)(ii), and by letter to deny access to ATFI data tapes for failure to operate under an approved accounting or charging system or for failure to remit user fees to the Commission.

(2) The authority under this paragraph is redelegated to the Director, Office of Information Resources Management.

[59 FR 954, Jan. 7, 1994, as amended at 59 FR 62330, Dec. 5, 1994]

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§ 501.26 Delegation to the Director, Bureau of Economics and Agreement Analysis.

The authorities listed in this section are delegated to the Director, Bureau of Economics and Agreement Analysis.

(a) Authority to approve, pursuant to section 15 of the Shipping Act, 1916, unprotested passenger agency agreements and modifications thereto, and container interchange agreements and modifications thereto between common carriers by water.

(b) Authority to approve modifications to agreements filed under section 15 of the Shipping Act, 1916, when such modifications are filed in accordance with regulations and are clearly in compliance with the criteria and/or intent of such regulations, and require modification of the filed amendment to the extent necessary to conform to such regulations.

(c) Authority to approve those classes of unprotested section 15 agreements, and modifications thereto, which, pursuant to section 35 of the Shipping Act, 1916, are specifically exempted from the approval requirements of that Act, but which, notwithstanding the exemption, have been filed for approval.

(d) Authority to approve, pursuant to section 15 of the Shipping Act, 1916, as amended, unprotested modifications to marine terminal conference agreements and unprotested marine terminal leases, licenses, assignments, or other agreements of a similar character for the use of terminal property or facilities between persons subject to the Shipping Act, 1916, as amended. In instances where an agreement for the use of terminal property or facilities of that character defined herein grants renewal options without providing that the Commission be notified in the event that such options are exercised, this authority extends to the issuance of conditional approval, the condition of approval being that the agreement be modified to provide for notification to the Commission in the event that such options are exercised and refiled with the Commission.

(e) Authority to determine that no action should be taken to prevent an agreement or modification to an agreement from becoming effective under

section 6(c)(1), and to shorten the review period under section 6(e), of the Shipping Act of 1984, when the agreement or modification involves solely a restatement, clarification or change in an agreement which adds no new substantive authority beyond that already contained in an effective agreement. This category of agreement or modification includes, for example, the following: a restatement filed to conform an agreement to the format and organization requirements of part 572 of this chapter; a clarification to reflect a change in the name of a country or port or a change in the name of a party to the agreement; a correction of typographical or grammatical errors in the text of an agreement; a change in the title of persons or committees designated in an agreement; or a transfer of functions from one person or committee to another.

(f) Authority to grant or deny applications filed under §572.406 of this chapter for waiver of the form, organization and content requirements of §§ 572.401, 572.402, 572.403, 572.404 and 572.405 of this chapter.

(g) Authority to grant or deny applications filed under §572.505 of this chapter for waiver of the information form requirements of §§ 572.503 and 572.504 of this chapter.

(h) Authority to grant or deny applications filed under §572.709 of this chapter for waiver of the reporting and record retention requirements of §§ 572.701, 572.702, 572.703, 572.704, 572.705, 572.706, 572.707 and 572.708 of this chapter.

(i) Authority to determine that no action should be taken to prevent an agreement or modification of an agreement from becoming effective under section 6(c)(1) of the Shipping Act of 1984 for all unopposed agreements and modifications to agreements which will not result in a significant reduction in competition. Agreements which are deemed to have the potential to result in a significant reduction in competition and which, therefore, are not covered by this delegation include but are not limited to:

(1) New agreements authorizing the parties to collectively discuss or fix rates (including terminal rates).

(2) New agreements authorizing the parties to pool cargoes or revenues.

(3) New agreements authorizing the parties to establish a joint service or consortium.

(4) New sailing agreements.

(5) New equal access agreements.

(j) Authority to grant or deny shortened review pursuant to §572.605 of this chapter for agreements for which authority is delegated in paragraph (i) of this section.

(k) Subject to review by the General Counsel, authority to deny, but not approve, requests filed pursuant to §572.605 of this chapter for a shortened review period for agreements for which authority is not delegated under paragraph (i) of this section.

(l) Authority to issue notices of termination of agreements which are otherwise effective under the Shipping Act, 1916, or the Shipping Act of 1984, after publication of notice of intent to terminate in the FEDERAL REGISTER, when such terminations are:

(1) Requested by the parties to the agreement;

(2) Deemed to have occurred when it is determined that the parties are no longer engaged in activity under the agreement and official inquiries and correspondence cannot be delivered to the parties; or

(3) Deemed to have occurred by notification of the withdrawal of the next to last party to an agreement without notification of the addition of another party prior to the effective date of the next to last party's withdrawal.

(m) Authority to determine whether agreements for the use or operation of terminal property or facilities, or the furnishing of terminal services, are within the purview of section 15 of the Shipping Act, 1916, or section 5 of the Shipping Act of 1984.

(n) Authority to request controlled carriers to file justifications for existing or proposed rates, charges classifications, rules or regulations, and review responses to such requests for the purpose of recommending to the Commission that a rate, charge, classification, rule or regulation be found unlawful and, therefore, requires Commission action under section 9(d) of the Shipping Act of 1984.

(o) Authority to recommend to the Commission the initiation of formal proceedings or other actions with respect to suspected violations of the shipping statutes and rules and regulations of the Commission.

(p) Authority to approve or disapprove applications as specified in Part 552 of this chapter for extensions of time for filing (§ 552.2(c)), alternative data (§ 552.2(d)) and waiver of detailed filing requirements (§ 552.2(e)).

[59 FR 954, Jan. 7, 1994, as amended at 59 FR 54396, Oct. 31, 1994; 59 FR 67228, Dec. 29, 1994; 61 FR 9944, Mar. 12, 1996; 61 FR 14032, Mar. 29, 1996]

§ 501.27 Delegation to and redelegation by the Director, Bureau of Tariffs, Certification and Licensing.

Except where specifically redelegated in this section, the authorities listed in this section are delegated to the Director, Bureau of Tariffs, Certification and Licensing.

(a)(1) Authority to approve for good cause or disapprove special permission applications submitted by common carriers, or conferences of such carriers, subject to the provisions of section 8 of the Shipping Act, 1984, section 18 of the Shipping Act, 1916, or section 2 of the Intercoastal Shipping Act of 1933, for relief from statutory and/or Commission tariff requirements.

(2) The authority under this paragraph is redelegated to the Chief, Office of Tariffs, in the Bureau of Tariffs, Certification and Licensing.

(b)(1) Authority to approve or disapprove special permission applications submitted by a controlled carrier subject to the provisions of section 9 of the Shipping Act of 1984 for relief from statutory and/or Commission tariff requirements.

(2) The authority under this paragraph is redelegated to the Chief, Office of Tariffs, in the Bureau of Tariffs, Certification and Licensing.

(c)(1) Authority contained in Supplemental Report No. 4 and Order in Docket No. 90–23, Notice of Inquiry on Ocean Freight Tariffs in Foreign and Domestic Offshore Commerce—Tariffs and Service Contracts, to grant special permission to deviate from the requirement that electronically-filed tariffs become effective no later than 90 days

from the last day of the applicable filing window.

(2) The authority under this paragraph is redelegated to the Chief, Office of Tariffs, in the Bureau of Tariffs, Certification and Licensing.

(d) Authority contained in Part 514 of this chapter to temporarily exempt common carriers from the electronic tariff filing requirements of that part for a period not to exceed 90 days from the filing dates set forth in Supplemental Report No. 4 and Order, served in Docket No. 90–23 on May 28, 1993.

(e)(1) Authority to reject tariff filings of common carriers in the foreign and domestic offshore commerce of the U.S. or conferences of such carriers for failure to meet the requirements of pertinent statutes or the Commission's regulations, for lack of completeness or clarity, or for noncompliance with special permission or other orders of the Commission.

(2) The authority under this paragraph is redelegated to the Chief, Office of Tariffs; Chief, Tariff Control Center and Senior Transportation Specialists in the Bureau of Tariffs, Certification and Licensing.

(f) Authority to issue notices of intent to cancel inactive tariffs of common carriers in the foreign and domestic offshore commerce and marine terminal operators, after a diligent effort has been made to locate the carrier/terminal operator without success, or if the carrier/terminal operator has advised the Commission that it no longer offers a carrier/terminal operator service but refuses to cancel its tariff upon written request; and to cancel such tariff if, within 30 days after publication, the carrier/terminal operator does not furnish reasons why such tariff should not be canceled.

(g)(1) Authority to:

(i) Approve or disapprove applications for ocean freight forwarder licenses; issue or reissue or transfer such licenses; and approve extensions of time in which to furnish the name(s) and ocean freight forwarding experience of the managing partner(s) or officer(s) who will replace the qualified partner or officer upon whose qualifications the original licensing was approved;